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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,345	07/05/2001	Allen Yu	10015353-1	2176

7590 11/29/2005  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
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EXAMINER

CAMPBELL, JOSHUA D

ART UNIT PAPER NUMBER

2178

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/899,345

Applicant(s)

YU, ALLEN

Examiner

Joshua D. Campbell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-11 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11 and 13-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: RCE filed on 9/19/2005.
2. Claims 1, 3-11, and 13-24 are pending in this case. Claims 1, 11, 16, 20, 22, and 23 are independent claims. Claim 24 has been newly added.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (hereinafter Knight, US Patent Number 6,493,703, filed on May 11, 1999) in view of Tso (US Patent Number 6,742,047, filed on December 30, 1997) further in view of Williams (US Patent Application Publication Number 2001/0054029, filed on June 12, 2001).

**Regarding independent claim 1**, Knight discloses a method in which pluralities of resources (digital objects) are associated with keywords (column 19, line 33-column 20, line 20 of Knight). User activity levels for keywords are obtained based on access of users that belong to a community (column 25, line 23-column 26, line 54 of Knight). The activity levels are prioritized for the keywords within the community and digital objects are delivered based on the communities' keywords that have high user activity levels (column 25, line 23-column 26, line 54 of Knight). Knight does not disclose that

categories are accessed that include a plurality of keywords associated with them. However, Tso discloses a method in which the keywords are obtained from a list of categories that have keywords associated with them (column 2, lines 6-64 of Tso). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Knight and Tso because it would have provided a better method of dynamic organization to keep pace with the increasing number of new documents.

Neither Knight nor Tso disclose a method in which period of time since user activity occurred is used to weight activities. However, Williams discloses a method in which the presentation of specific digital objects is based on the amount of time that has passed since the user last viewed the object (page 1, paragraph 0005 of Williams). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Knight and Tso with the method of Williams because it would have allowed all objects an equal chance to be delivered as often as the other objects.

**Regarding dependent claims 3 and 4,** Knight discloses a method in which the objects are delivered based on the aggregated activity of the community, this activity being recorded on an aggregate community basis (column 25, line 23-column 26, line 54 of Knight).

**Regarding dependent claim 5,** Knight discloses a method in which the activity levels are recorded on an individual basis then aggregated to determine the community levels of activity (column 25, line 23-column 26, line 54 of Knight).

**Regarding dependent claims 6 and 7**, Knight discloses that a user may be in more than one community and a community may support many users (column 19, line 33-column 20, line 20 of Knight).

**Regarding dependent claim 8**, Knight discloses a method in which the type of the community is determined by using keyword pattern recognition (column 19, line 33-column 20, line 20 of Knight).

**Regarding dependent claims 9 and 10**, Knight discloses a method in which the content editors define the community (subscription service) and also discloses a method in which the users define the community (subscribing to specific communities) (column 19, line 33-column 20, line 20 of Knight).

**Regarding independent claim 11 and dependent claims 13-15**, the claims incorporate substantially similar subject matter as claims 1 and 3-5. Thus, the claims are rejected along the same rationale as claims 1 and 3-5.

5. Claims 16-18 and 20-24 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (hereinafter Knight, US Patent Number 6,493,703, filed on May 11, 1999) in view of Tso (US Patent Number 6,742,047, filed on December 30, 1997).

**Regarding independent claim 16**, Knight discloses a method in which pluralities of resources (digital objects) are associated with keywords (column 19, line 33-column 20, line 20 of Knight). User activity levels for keywords are obtained based on access of users that belong to a community (column 25, line 23-column 26, line 54 of

Knight). The activity levels are prioritized for the keywords within the community and digital objects are delivered based on the communities' keywords that have high user activity levels (column 25, line 23-column 26, line 54 of Knight). Knight does not disclose that search contexts are accessed that include a plurality of keywords associated with them. However, Tso discloses a method in which the keywords are obtained from a list of categories (search contexts) that have keywords associated with them (column 2, lines 6-64 of Tso). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Knight and Tso because it would have provided a better method of dynamic organization to keep pace with the increasing number of new documents.

**Regarding dependent claims 17 and 18,** Knight discloses a method in which search results are weighted based on user activity levels and then ranked based on the weighting ().

**Regarding independent claim 20,** Knight discloses a method in which pluralities of resources (digital objects), including news sources, are associated with keywords (column 19, line 33-column 20, line 20 of Knight). User activity levels for keywords are obtained based on access of users that belong to a community (column 25, line 23-column 26, line 54 of Knight). The activity levels are prioritized for the keywords within the community and digital objects are delivered based on the communities' keywords that have high user activity levels (column 25, line 23-column 26, line 54 of Knight). Knight does not disclose that categories are accessed that include a plurality of keywords associated with them. However, Tso discloses a method

in which the keywords are obtained from a list of categories that have keywords associated with them (column 2, lines 6-64 of Tso). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Knight and Tso because it would have provided a better method of dynamic organization to keep pace with the increasing number of new documents.

**Regarding dependent claim 21**, Knight discloses a method in which the objects are delivered based on objects having a higher aggregated activity of the community, this activity being recorded on an aggregate community basis (column 25, line 23-column 26, line 54 of Knight).

**Regarding independent claims 22**, Knight discloses a method in which pluralities of resources (digital objects), including advertisements (i.e. electronic shopping), are associated with keywords (column 19, line 33-column 20, line 20 of Knight). User activity levels for keywords are obtained based on access of users that belong to a community (column 25, line 23-column 26, line 54 of Knight). The activity levels are prioritized for the keywords within the community and digital objects are delivered based on the communities' keywords that have high user activity levels (column 25, line 23-column 26, line 54 of Knight). Knight does not disclose that categories are accessed that include a plurality of keywords associated with them. However, Tso discloses a method in which the keywords are obtained from a list of categories that have keywords associated with them (column 2, lines 6-64 of Tso). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Knight and Tso because it would have provided

a better method of dynamic organization to keep pace with the increasing number of new documents.

**Regarding independent claim 23**, the claim incorporates substantially similar subject matter as claim 1. Thus, the claim is rejected along the same rationale as claim 1.

**Regarding dependent claim 24**, Knight discloses a method in which pluralities of resources (digital objects) are associated with keywords; these resources are posts on an online message board (which by definition are a webpage of website and a document) (column 19, line 33-column 20, line 20 of Knight).

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (hereinafter Knight, US Patent Number 6,493,703, filed on May 11, 1999) in view of Tso (US Patent Number 6,742,047, filed on December 30, 1997) further in view of Davis et al. (hereinafter Davis, US Patent Number 6,269,361, issued on June 31, 2001).

**Regarding dependent claim 19**, neither Knight nor Tso disclose a method in which an activity count is incremented for resource selection based on a search context. However, Davis discloses a method in which resource selection based on a search is counted by incrementing a counter in order to keep track of user selections (column 21, line 66-column 22, line 53 of Davis). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Knight and Tso with the method of Davis because as disclosed by Davis this process was a well-known process in the art.



***Response to Arguments***

7. Applicant's arguments filed 02/10/2005 have been fully considered but they are not persuasive.

Regarding the arguments on pages 9-10 and 12-14, regarding claims 1 and 20, the examiner believes that limitations remain taught as stated in the previous and current rejections. Specifically, the Knight reference states that queries are broken down into keywords that are then used to designate content, or in other words keywords are associated with digital objects (column 19, lines 58-67 of Knight). As far as the definition of "digital object and how it is presented in the specification, the examiner believes the rejection is still proper. The applicant states that digital objects are defined as web pages, executable scripts, graphics objects, sounds, video, documents, animations, executable objects, and similar objects which may be sent to a user from a website (applicant's specification, page 8, line 23-page 9, line 1). This does not by any means define that the claim must contain digital objects of all types, rather that the digital objects as applied to these claims would consist of any one or more of these types of digital objects, which would include the final type, "...similar objects which may be sent to a user from a website," which can be interpreted as pretty much any object of information that could supplied to a user from a website, including textual information such as shown in Knight. Also, even if that final type did not exist a web page may be just textual, a document may be simply textual, and at no point do these definitions in the specification exclude that type of document from being considered a digital object,

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thus the textual object in Knight may constitute a web page or document depending on the interpretation. Unless more specific definitions of digital objects are physically added to the claim there it would not be possible to overcome the rejection based on the definition clearly presented in the specification, because the digital objects in Knight do in fact fall into one of those categories, and one of those categories is all that is required for a rejection as the invention is currently claimed.

Regarding the arguments on pages 11-12, regarding claim 16, the examiner maintains that the rejection is proper. Knight discloses a method in which pluralities of resources (digital objects) are associated with keywords (column 19, line 33-column 20, line 20 of Knight). User activity levels for keywords are obtained based on access of users that belong to a community (column 25, line 23-column 26, line 54 of Knight). The activity levels are prioritized for the keywords within the community and digital objects are delivered based on the communities' keywords that have high user activity levels (column 25, line 23-column 26, line 54 of Knight). Knight does not disclose that search contexts are accessed that include a plurality of keywords associated with them. Tso discloses a method in which the keywords are obtained from a list of categories (search contexts) that have keywords associated with them (column 2, lines 6-64 of Tso). At no point in the claims does it preclude the search contexts have keywords mapped to them based on usage, rather it states, "...organizing a plurality of search contexts that maps at least one keyword to each search context," it remains unclear to the examiner how this is any different from the teachings of Tso, in which categories are created (search contexts) along with keywords associated with them (column 2, lines 6-

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64 of Tso). The combination of these references remains proper and the rejection is maintained.

Regarding the arguments on pages 14-15, regarding the Knight reference and the limitations concerning the digital objects being "Shopping" information, the examiner believes that limitation is taught as stated in the previous and current rejections. Knight clearly states that the objects can be related to advertisements (column 20, lines 31-50 of Knight). As stated by the applicant in the applicants own arguments (page 14, paragraph 5 of the Arguments submitted on 09/19/2005), "The ability to deliver promotions based on the communities activities can be a tremendous boon for advertisers," thus shopping items consist of the ability to deliver advertisements based on communities activities, which is pointed out in the cited paragraph from the Knight reference.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC  
November 22, 2005



**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**